

REMARKS

In view of the following remarks, reevaluation and further processing of the application is requested. Prior to amendment herewith, Claims 1-40 were pending in the application. By amendment herewith, Claims 1, 10, 13, 21, 23, 30-33 and 40 have been amended, Claims 2 and 24 have been cancelled, and new Claims 41 and 42 have been added.

Applicant acknowledges with appreciation the indication that claims 3-7, 9, 11, 12, 15, 18, 20, 25 and 31-34 are allowable.

The Examiner has rejected claims 10, 13, 21, 30-33 and 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for lack of a proper antecedent basis. Applicant has amended claims 10, 13, 21, 30-33 and 40 in accordance with the Examiner's suggestions. Applicant respectfully submits that such claims are now compliant with 35 U.S.C. § 112 and removal of this rejection is respectfully requested.

The Examiner has rejected claims 1, 13, 16, 17, 19, 23, 30, 35 and 36 as being anticipated by U.S. Patent Application Publication No. 2001/0037946 to D'Astolfo, Jr. and U.S. Patent Application Publication No. 2001/0035344 to D'Astolfo, Jr. The Examiner has further rejected claims 1, 2, 8, 10, 13, 14, 16, 17, 19, 21-24, 26-30, and 35-40 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,878,246 to Latvaitis ("Latvaitis"). Thus, claims 2, 8, 10, 14, 21, 22, 24, 26-29, 35 and 37-40 remain rejected solely under 35 U.S.C. § 102(e).

Applicant respectfully submits that Latvaitis does not anticipate, at a minimum, claims 1, 2, 23, 24 and 38, as Latvaitis does not disclose all claim limitations of those claims. More particularly, Latvaitis does not disclose the use of a particulate connector material between the conductor rod and the inert anode.

Latvaitis discloses an inert anode including a conductor rod surrounded by a mass of metal foam (Abstract). The instant invention requires the use of particulate materials, such as metal particles. As is well known to those skilled in the art, foams are very different than particles. As noted by Latvaitis, a metal foam generally has the properties of an open cell network and is compliant (i.e., malleable). (Col. 2, lines 30-35). Metal foams have a relatively low density due to this open cell network and have a relatively high surface area to mass ratio. Conversely, particles do not include an open cell network and have a much higher density and have a lower surface area to mass ratio than metal foams. These are but a few of the differences between metal foams and particles.

Applicant does acknowledge that Latvaitis does mention particles, but he does so only in connection with the production of the metal foam itself:

“In general, a metallic foam can be made by impregnating an open cell flexible organic foam material, such as polyurethane, with an aqueous metallic slurry--containing fine metallic particles such as nickel particles. The impregnated organic foam is compressed to expel excess slurry. The material is then dried and fired to burn out the organic materials and to sinter the metal/ceramic coating. A rigid foam is thereby formed having a plurality of interconnecting voids having substantially the same structural configurations as the organic foam which was the starting material.” (Col. 4, lines 44-54, *emphasis added*).

In other words, Latvaitis discloses making a metal foam by sintering metal particles to the surface of the organic foam. Nowhere does Latvaitis disclose the use of particles outside of this scope. Moreover, since the metal foam is produced before it is placed between the conductor rod and the inert anode (Col. 5, lines 8-51), there would not be any metal particles between the inert anode and the conductor rod. Thus, Latvaitis does not disclose, teach or suggest the use of a particulate conductor material between the inert anode and the connector rod.

Conversely, the present invention requires a particulate conductor/connector material between the inert anode and the conductor rod (e.g., *see*, independent claims 1, 23, and 38 and dependent claim 2). Furthermore, Latvaitis does not disclose pouring particles into a gap between the anode and the connector rod in loose particulate form, as required by claim 24.

In view of the foregoing, Applicant respectfully submits that Latvaitis does not anticipate, at a minimum, any of claims 1, 2, 23, 24 or 38, as Latvaitis does not disclose all claim limitations of those claims. (*See*, MPEP § 2131, providing that to be anticipatory, a reference must teach all claim limitations). Specifically, with respect to claims 1, 2, 23, and 38, Latvaitis does not disclose the use of a particulate conductor material between the inert anode and the conductor rod. With respect to claim 24, Latvaitis does not disclose the step of filling the gap between the inert anode and the conductor rod with a particulate conductor material.

As noted above, claims 1 and 23 have been amended and claims 2 and 24 have been cancelled. More particularly, claim 1 has been amended to include the claim limitation of claim 2 and claim 23 has been amended to include the claim limitation of claim 24. As claims 2 and 24 were rejected solely on Latvaitis, and because Latvaitis does not anticipate such claims, Applicant respectfully submits that independent claims 1 and 23 are allowable.

As noted above, new claims 41 and 42 have been added. Claim 41 recites that the particulate materials comprise at least one of Fe, Al, bronze, MONEL, and INCONEL. Support for claim 41 may be found at, for example, para. 0019 of the specification. Claim 42 recites that the particulate conductor material has a density of less than 90 percent of a theoretical density of the conductor material. Support for claim 42 may be found at, for example, para. 0020 of the specification. Any necessary additional claim fees are calculated below.

For	Claims Remaining After Amendment	Highest Number Previously Paid For		Extra Claims	Rate		Additional Fee
Total Claims	40	- 40	=	0	x \$50	=	\$0
Independent Claims	3	-3	=	0	x \$200	=	\$0
Multiple Dep. Claim	0	- 0		\$360		=	\$0
Total Fee						=	\$0

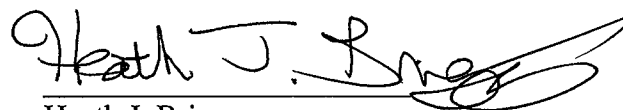
Hence, it is not believed that any additional claim fees are due in connection with this response. However, any necessary fees may be charged to Deposit Account No. 50-2775.

In light of the above amendments and remarks, it is believed that all pending claims are allowable, that the present application is in condition for allowance, and such action is respectfully requested. If the Examiner believes that it would be helpful to discuss any of the amendments or remarks presented herein, the Examiner is invited to contact the undersigned at the telephone number provided.

Respectfully submitted,

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